

PATENT APPLICATION

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**RESPONSE UNDER 37 CFR §1.116
EXPEDITED PROCEDURE
TECHNOLOGY CENTER ART UNIT 3656**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Gregor HAAB et al.

Group Art Unit: 3656

Application No.: 10/519,982

Examiner: T. DIAZ

Filed: February 11, 2005

Docket No.: 121972

For: APPARATUS FOR MOVEABLE SEPARATING ELEMENTS, A DRIVE ASSEMBLY
AND A SEPARATING ELEMENT

AMENDMENT AFTER FINAL REJECTION UNDER 37 CFR §1.116

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the January 8, 2009 Office Action, the statutory period for reply being
extended by the attached Petition for Extension of Time, please consider the following:

Amendments to the Claims as reflected in the listing of claims; and

Remarks.

Amendments to the Claims:

The following listing of claims will replace all prior versions, and listings, of claims in the application:

1-16. (Canceled)

17. (Currently Amended) An apparatus for driving a separating element that can be moved linearly and/or on curves and that, if required, can be rotated and parked, the apparatus comprising:

at least first and second drive assemblies attached to the separating element, the first and second drive assemblies including supporting rollers, the first drive assembly including a drive shaft that is aligned at right angles to a running direction of the first drive assembly, an electric motor coupled thereon, and a drive wheel rotated by the motor; and

a guide rail on which the supporting rollers are guided, the guide rail comprising a center piece and two side pieces, running surfaces provided on the side pieces for the supporting rollers, and a toothed element attached to and arranged along an inner wall of the guide rail, wherein the drive wheel is rotated and engages in the toothed element,

wherein the electric motor is mounted on the first drive assembly in such a way that ~~the first drive assembly~~ the electric motor is guided above the running surfaces in an accordingly dimensioned space within the guide rail with the axis of the motor shaft being aligned between the supporting rollers at right angles to a plane that is defined by the running surfaces,

the motor shaft is firmly coupled via a transmission to the drive shaft that is aligned in parallel to the axis of the motor shaft,

the separating element is connected to the driving apparatus by means of an attachment element, that is held by a body of the first drive assembly and in parallel to the separating element, and

a busbar extending in the longitudinal direction of the guide rail is arranged within the guide rail and is tapped by current collectors that are arranged on the ~~first~~ first drive assembly.

18. (Previously Presented) The drive apparatus as claimed in claim 17, wherein the electric motor is arranged in a motor housing in which the transmission is also integrated.

19. (Previously Presented) The drive apparatus as claimed in claim 17, wherein the shaft of the transmission and the drive shaft are integrally connected to one another.

20. (Previously Presented) The drive apparatus as claimed in claim 17, wherein the attachment element is rotatably connected to the body of the first drive assembly.

21. (Previously Presented) The drive apparatus as claimed in claim 17, wherein the motor shaft is mounted by means of the body of the first drive assembly at one end or at both ends of the electric motor.

22. (Previously Presented) The drive apparatus as claimed in claim 17, wherein the body of the first drive assembly has two parts which surround the electric motor, or the first drive assembly has an integral body which is suitable for accommodating and for holding the electric motor.

23. (Currently Amended) The drive apparatus as claimed in claim 17, wherein at least one of ~~said running rollers and guide rollers~~ or said supporting rollers are mounted at one end or at both ends of the first drive assembly.

24. (Canceled)

25. (Previously Presented) The drive apparatus as claimed in claim 17, wherein the busbar is arranged at the top on the center piece of the guide rail, and is tapped by the current collectors which are arranged on the upper face of the first or second drive assembly.

26. (Previously Presented) The drive apparatus as claimed in claim 17, wherein a control unit which is connected to the current collectors and to the electric motor is arranged

on the first or second drive assembly.

27. (Previously Presented) The drive apparatus as claimed in claim 26, wherein the control unit, which is preferably in the form of a flexible circuit, is inserted within the single-shell or multiple-shell housing of the electric motor, of the drive assembly or in an extension of the body or of the housing of the drive assembly, which extension does not impede parked drive assemblies being moved with respect to one another.

28-29. (Canceled)

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REMARKS

Claims 17-23 and 25-27 are pending in this application. By this Amendment, claims 17 and 23 are amended.

Entry of the amendments is proper under 37 CFR §1.116 because the amendments: (a) place the application in condition for allowance for the reasons discussed herein; and (b) do not raise any new issue requiring further search and/or consideration. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

Applicants appreciate the indication that claims 17-23 and 25-27 contain allowable subject matter.

The drawings are objected to under 37 C.F.R. §1.83(a) because the drawings do not allegedly show the "electric motor is mounted on the first drive assembly in such a way that the first drive assembly is guided above the running surfaces," of claim 17. In response to the objection, claim 17 is amended to replace "the first drive assembly" with "the electric motor," which is fully supported by Fig. 2, for example. Accordingly, it is respectfully requested that the drawings objection be withdrawn.

Claim 17 is objected to because it recites "arranged on the firs drive assembly." In response, based on the Examiner's suggestion, claim 17 is amended to replace "firs" with "first." Accordingly, it is respectfully requested that the claim objection be withdrawn.

Claims 17-23 and 25-27 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement because claim 17 recites "electric motor is mounted on the first drive assembly in such a way that the first drive assembly is guided above the running surfaces," but the drawings and the specification allegedly illustrate that only the electric motor is guided above the running surfaces. In response to the rejection, based on the Examiner's suggestion, claim 17 is amended to recite the "electric motor is

mounted on the first drive assembly in such a way that the electric motor is guided above the running surfaces." Accordingly, it is respectfully requested that the rejection be withdrawn.

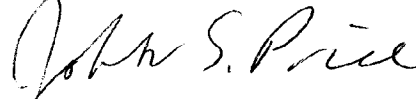
Claim 23 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which Applicants regard as the invention. The Office Action, on page 4, states that there is insufficient antecedent basis for "said running rollers," in claim 23. In response to the rejection, claim 23 is amended to replace "said running rollers" with "said supporting rollers." Accordingly, it is respectfully requested that the rejection be withdrawn.

It is respectfully submitted that amended independent claim 17 is allowable. It is also submitted that dependent claims 18-23 and 25-27 are allowable for at least their dependence on allowable claim 17, and their patentable distinct features recited therein. Therefore, it is respectfully requested that the rejection be withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in
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condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:JSP/kjl

Attachment:
Petition for Extension of Time

Date: May 8, 2009

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